

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

AARON MICHAEL JONES

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Criminal No. 06-121
Electronically Filed

ORDER OF COURT

Before the Court is defendant Aaron Michael Jones' pro se motion (doc. no. 30) seeking modification of this Court's sentence of imprisonment of 12 months with 4 years of supervised release, following a finding that defendant violated his conditions of supervised release imposed by this Court as part of his original sentence on August 3, 2006. Defendant moves this Court to credit him with time served since March 25, 2008, the day he claims he was no longer in the custody of the State of Florida.

The record indicates that defendant was arrested on March 31, 2008, on this Court's warrant for the alleged violation of supervised release. Order on Initial Appearance in United States District Court for the Southern District of Florida (doc. no. 21-3). Whether his detainer on the federal arrest warrant commenced on March 25th or March 31st, however, this Court is without jurisdiction to modify its Judgment and Commitment Order entered on May 6, 2008. Defendant filed the pending motion to modify his sentence on May 28, 2008, and did not take an appeal from this Court's Judgment and Commitment Order (or otherwise seek modification of his sentence) within the ten day appeal period. See Fed.R.App. 4(b)(1)(A)(i). Accordingly,

IT IS HEREBY ORDERED that defendant's motion to modify sentence (doc. no. 30) is DENIED without prejudice to defendant taking appropriate administrative action within the Bureau of Prisons if he believes he has not been properly credited with time served.

SO ORDERED this 3rd day of June, 2008.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc:

Defendant Aaron Michael Jones
all counsel of record